



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8ARD- PM

Darla Potter
Air Quality Resource Manager
Air Quality Division
Wyoming Department of Environmental Quality
200 West 17th Street
Cheyenne, Wyoming 82002

Re: Wyoming Department of Environmental Quality (WDEQ) Exceptional Event Initial
Notification dated January 14, 2020

Dear Ms. Potter:

This letter is in response to the exceptional event initial notification dated January 14, 2020 (Initial Notification), submitted by the WDEQ – Air Quality Division (AQD) which requested that the Administrator make the determination under 40 CFR 50.14 (a)(1)(F) that the EPA will agree to review an exceptional event demonstration for these events. The notification covered ozone stratospheric intrusion potential exceptional event exceedances recorded at the South Pass, Juel Spring, Big Piney and Moxa ozone monitors on April 28, 2019.

In 2016, the EPA adopted revisions to the “Treatment of Data Influenced by Exceptional Events; Final Rule” (81 Fed. Reg. 68216). The Rule modified the previous process for exclusion of air quality data related to exceedances or violations of any National Ambient Air Quality Standards (NAAQS) from regulatory decisions by the EPA. The Rule, codified at 40 CFR 50.14(a)(1)(i), provides that a state may request that the EPA exclude data showing exceedances or violations of any NAAQS due to exceptional events when those events impact data that will be used for one or more of the following EPA actions:

- A. An action to designate an area, pursuant to Clean Air Act section 107(d)(1), or redesignate an area, pursuant to Clean Air Act section 107(d)(3), for a particular national ambient air quality standard;
- B. The assignment or re-assignment of a classification category to a nonattainment area where such classification is based on a comparison of pollutant design values, calculated according to the specific data handling procedures in 40 CFR part 50 for each national ambient air quality standard, to the level of the relevant national ambient air quality standard;
- C. A determination regarding whether a nonattainment area has attained the level of the appropriate national ambient air quality standard by its specified deadline;

- D. A determination that an area has data for the specific NAAQS, which qualify the area for an attainment date extension under the CAA provisions for the applicable pollutant;
- E. A determination under CAA section 110(k)(5), if based on an area violating a national ambient air quality standard, that the state implementation is inadequate under the requirements of Clean Air Act section 110; and
- F. Other actions on a case-by-case basis as determined by the Administrator.

When a state demonstrates to the EPA that “an exceptional event caused a specific air pollution concentration at a particular air quality monitoring location and otherwise satisfies the requirements of this section,” then the EPA “shall exclude data from use in determinations of exceedances and violations” identified in the above list. WDEQ/AQD’s Initial Notification outlined how the potential exceptional events may impact data and regulatory actions and requested that the EPA agree to review the events under provision (F); and therefore, if shown to be caused by exceptional events, the data should be excluded from use in determinations of exceedances and violations.

The EPA understands that the WDEQ considers these exceptional events to be of regulatory significance because of the WDEQ’s reliance on the data to determine compliance with ambient standards at special purpose monitoring sites, and third party interests, and that two of the monitors lie within the Upper Green River Basin non-attainment area.¹ At this time, the EPA has not identified and does not anticipate using any of the flagged data in any pending EPA regulatory determination, to formulate or support regulation, guidance, or in any other pending EPA decision, position or action; and therefore, does not plan to further review these events for concurrence. The EPA recommends that WDEQ/AQD postpone the preparation and submission of demonstrations for these potential exceptional event exceedances until such time as the EPA determines that it may use the data for any of the actions listed under provisions (A) through (E) above, or in any other EPA regulatory determination under provision (F) or to formulate or support regulation, guidance, or any other pending EPA decision, position or action unless scientifically relevant and appropriate. The EPA agrees that prior to using the data in a regulatory determination, to formulate or support regulation, guidance or any other pending EPA decision, position or action unless scientifically relevant and appropriate, the EPA Region 8 Office commits to notify and provide WDEQ/AQD with an opportunity to prepare and submit a formal exceptional event concurrence request and demonstration. And, the EPA will review and make a determination regarding these potential exceptional event exceedances under the requirements of the 2016 Final Rule “Treatment of Data Influenced by Exceptional Events.” (81 Fed. Reg. 68216).

¹ The EPA acknowledges that because other state or federal agencies, or third parties, may access and utilize data from the EPA’s Air Quality System (AQS) it is important to flag the data.

In the meantime, and to assist the EPA in assuring that it will not use the data until WDEQ/AQD has had an opportunity to prepare and submit a formal exceptional event concurrence request and demonstration, the EPA understands the WDEQ/AQD may change the data flag in EPA's Air Quality System (AQS) from an "i" flag to an "r" flag, and may change the AQD's short description to acknowledge this EPA response to WDEQ/AQD's notification.²

We are committed to continuing to work with the WDEQ on exceptional events within Wyoming. If you have questions, please feel free to contact me at (303) 312-6416.

Sincerely,



Expired certificate

X Carl Daly

Signed by: CARL DALY

Carl Daly
Acting Director
Air and Radiation Division

² Currently flags are only present in AQS for the Moxa and South Pass monitors. Because the EPA recommends that the WDEQ/AQD postpone the preparation and submission of demonstrations for these exceedances, this flag change does not trigger any additional requirements for the WDEQ/AQD until such time as the EPA determines that it may use the data for any of the actions listed under provisions (A) through (E) above, or in any other EPA regulatory determination under provision (F) or to formulate or support regulation, guidance, or any other pending EPA decision, position or action unless scientifically relevant and appropriate.